

# EDMONTON CAPITAL

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EDMONTON, SATURDAY, MAY 6, 1911.

WEATHER.—Fair and Warm.

No. 121.

## JUDGE DECLARES REAL ESTATE DEALER WAS GUILTY OF FRAUD

In Judgment Handed Down in Supreme Court This Morning Justice Simmons Scores J. McK. Dickson For Misrepresentation Four Years Ago

Declaring that J. McK. Dickson, a defendant in an action arising out of a real estate sale in 1907, in which Mr. Dickson acted as agent for Jas. A. Trimble, had been guilty of false and fraudulent representation of the price demanded by his client in order to effect a sale of the property to William F. Brown, Mr. Justice Simmons this morning handed down judgment in the supreme court which will have the effect of depriving Mr. Dickson of the

profits of the deal.

In this action, Jas. A. Trimble, former owner of the south half of section 36, township 52, range 21, west of 1st meridian, was the plaintiff and John McK. Dickson, former agent for Mr. Trimble and William Brown, who had purchased the property, as defendants. The land was listed with Dickson in December of 1906, at \$45 an acre, and in addition to his regular commission, Dickson was to receive as commission any sum in excess of \$45 an acre which he could obtain for the property.

The property was disposed of on Oct. 5, 1907, to W. A. Brown, for the sum of \$50 an acre, and the correspondence relative to this sale which is quoted in the judgment of Mr. Justice Simmons shows that an attempt was made to persuade the purchaser that this figure was much below the price which the owner had at first demanded. Upon the same day Mr. Dickson wrote to Mr. Trimble, who for some time had been living in Victoria, that the land had been sold for \$45 an acre, half cash, balance on terms. Mr. Dickson retained for himself the difference between \$45 an acre and the actual sale price, and in addition deducted \$350 as commission.

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## HOTEL MEN MAY DROP THE FIGHT

Against Bylaw Passed by the Ratepayers at Recent Special Election.

The hotel men will probably not continue their fight against the bylaw passed by the ratepayers two weeks ago, to grant light and water at cost to the new Grand Trunk Pacific mill. The hotel men of the city feel that they have been unfairly discriminated against by the new bylaw, but they lack sufficient enthusiasm over the matter to carry the fight to the courts. It is stated that one of the hotel proprietors of the city will ask the same privileges for an addition which he proposes to his hotel, as those which are being granted to the G. T. P.

## VIOLETTE WILL APPEAL CASE

In Police Court for Violating Statute Relating to Auto Numbers.

The first action brought under the statute of 1906, which requires that the license number of all automobiles in the province be displayed in letters five inches in height painted on the glass of the side lamp, resulted in a conviction against A. Violette, against whom sentence was suspended. The action was brought by the city of Edmonton, one of the many hundreds of automobilists of the city who have filed to comply with the terms of the statute.

"There are no automobiles large enough to comply with the terms of the statute," said Magistrate Cowan in police court this morning. The license number run into the thousands now, and it is not possible to obtain a lamp on which the glass of such large letters can be painted."

Mr. Cowan said that it was his understanding that the chief of police intended to bring the case before the court for the present attempt to enforce the provision as to the size of license numbers. "I am not undertaking that there will be no prosecution for the enforcement of the clause as to the size of the numbers," said he, "but merely suggest that smaller numbers might do."

## COMPANY FORMED TO BUY PLANT

Of Edmonton Casket Company With Mr. Emerson as President.

A new company, to be known as "Emerson's Limited," with Geo. F. Emerson, of the Sterling Casket Co., as president, has been organized with a capital of \$200,000 to take over the manufacturing plant of the Edmonton Casket Co. Associated with Mr. Emerson in the new company will be A. Cleland, president of the former company, and W. Adamson has been appointed accountant.

With the intention of the new company to increase the output by 75 per cent. Mr. Emerson will shortly go west to secure a mechanical superintendent and make arrangements for purchase of new machinery.

## WILSON NOT NOTIFIED TO COMMAND MOUNTED POLICE AT CORONATION

REGINA, May 6.—(Superintendent E. O. Wilson of the mounted police at Lethbridge, has not been notified of his appointment to command the mounted police contingent at the coronation, as stated in the despatch. There has been no announcement yet and will not be for some time. Superintendent Wilson and six men from Lethbridge will go, but as to the commanding officer of the contingent or its make-up, nothing is yet known. This is official.

## COMMISSIONER SEES LOOPHOLES

In Proposed Agreement With International Heating and Lighting Company.

Commissioner Bouillon this morning stated to the Capital that he was prepared to take up the preparation of a new draft agreement with the International Heating and Lighting Company but as the question had been referred to the commissioners, industrial committee and city collector jointly he

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## New Railroad to Tap a Rich District Between Edmonton and South Country

### Police Magistrate Hands Chief Ensor a Lemon

Lack of familiarity with legal procedure brought Chief of Police Ensor at cross purposes with Magistrate Cowan in the police court this morning, and the chief received a rather unpleasant castigation from the magistrate, who made no attempt to hide his annoyance. A charge had been preferred against J. H. Morris, who was alleged to have driven his car on one of the streets Wednesday last, without any license number attached at the rear of the car. When the case came up for hearing at 10:30, Chief Ensor discovered that the constable who laid the information on which the prosecution is based, would not be present to give his evidence. Ensor asked for an adjournment, but felt himself not a little chubbied when Magistrate Cowan informed him that an adjournment under such conditions gave the defendant the right to the costs of court. The chief showed a tendency to argue the question, but the magistrate was firm. "I don't want any costs, anyway," said Mr. Morris, much to the relief of the chief. The case will come up for hearing on Monday morning at 10:30.

## SUES TO RECOVER FOR LOSS OF EYE

Peter Smolik Brings Action in Supreme Court Against John Walters.

Action for \$2000 alleged damages for loss of an eye and for the recovery of hospital and medical fees was brought at 12 o'clock, in the supreme court today before Mr. Justice Stuart in the action of Peter Smolik vs. John Walters.

Smolik, who is a Russian with but a meagre knowledge of English, told the story of the defendant Walters' null which led to the loss of his eye. On July 6 he was engaged upon a lathe saw in the planing mill of the defendant, when owing to "carelessness and negligence on the part of the defendant in not having the lathe protected adequately," to quote the statement of claim, "a piece of wood flew from the machine and struck the plaintiff in the left eye, which was completely destroyed." Smolik is alleged to have become disfigured and greatly impaired in health as the outcome of the accident, and rendered incapable of following his usual calling or engaging in any work whatever.

It is charged that the defendant Walters was fully aware of the dangerous condition of the lathe saw, but in spite of this knowledge failed to give specific instructions to go to work upon it. No steps to safeguard the defendant were taken by Walters, according to the statement of claim.

H. H. Mackie of Cormack and Mackie is appearing for the plaintiff and Geo. B. Henwood of Henwood and Harrison for the defendant.

In the action of Bonneau vs. Pomeroy which was heard in the supreme court before Mr. Justice Stuart this week, judgment for the plaintiff for the sum of \$500 was handed down this morning.

## BUILDING BYLAW BEING VIOLATED

Matter Discussed at Meeting of City Commissioners Yesterday Afternoon.

The building bylaw was the chief topic of discussion at the meeting of the city commissioners yesterday afternoon. J. Carr had been cited by the commissioners to appear before them and show cause why he should not remove a steel frame structure which he is erecting on the north side

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## EDMONTON FIRM GETS CONTRACT FOR GRADING

SOME C. P. R. WORK IN STRATHCONA TO BE DONE BY PHELAN AND SHIRLEY, SUCCESSFUL BIDDERS

The firm of Phelan and Shirley of Edmonton are the successful bidders for the contract of grading the approach to the C. P. R. high level bridge from the Strathcona side. This big undertaking will be begun very shortly by the contractors, preparations being made under way for a commencement of the work. A very large force of men and teams will be required to carry out the agreement that the grading be finished by the last of July this year as the contract calls for the removal of approximately 35,000 cubic yards of earth. Gravel slakes were set some days ago over the route leading from the present C. P. R. tracks to the bridge and at the west end along the river bank the cut will be considerable.

Assistant Engineer F. St. G. Farren who represents the C. P. R. at the contract, said that the high level bridge advertised some weeks ago for tenders on this grading work and it is understood that the terms named June 1st as the required date of completion, but difficulty was experienced in obtaining an agreement under this time limit and one month's extension was decided upon.

DR. TORY HEADS A DELEGATION

A delegation headed by Dr. H. M. Tory, president of the University of Alberta, and Alderman Tipton, held a consultation with the city commissioners this morning with respect to the extension of the street railway line in Strathcona to meet the demands of the district immediately contiguous to the

## NEED RAILWAY IN NORTH COUNTRY

That the new government trail from Edmonton north into Grande Prairie will be a very satisfactory road when certain improvements are made is the statement that John Stocks, deputy minister of public works, has to make as a result of his trip over the trail during the past few weeks.

Mr. Stocks returned with Mr. Cornwall yesterday. The greatest need of the north country, he says is railway development and the sooner the railways are built north, the sooner the country will be settled.

Mr. Stocks stated that no big bridges would be necessary on the new trail. He said that the trip was not particularly delightful at the present but that the road would be a good one when completed.

The delegation considered that a spur line could be run to a point within one block of the University grounds but Commissioner Bouillon pointed out that the only subsidy of the operation of another car and it was doubtful whether or not there would be sufficient traffic to cover the increased expenditure for a number of years to come.

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## CITY ENGINEER TO PREPARE PLANS FOR MORE NEW SUBWAYS

DIRECTED BY THE CITY COMMISSIONERS TO GO AHEAD WITH PRELIMINARY WORK AND SUBMIT AN EARLY REPORT.

The city commissioners have decided that the time is not far distant when subways will be needed under the G. T. P. and G. N. R. tracks on Narrows, Syndicate and First street, and accordingly have instructed City Engineer Latour to prepare plans and specifications and submit the same to the commissioners at the earliest possible moment. These instructions were sent to the engineer several days ago and as a result the report should be forthcoming within the next few days.

Commissioner Bouillon this morning stated that in his opinion it would be inadvisable to install interlocking plants at the crossings on these three streets as the initial cost and the cost of maintenance would go a long way toward providing for the installation of subways which would be permanent instead of temporary. The commissioners point out that in the future there will be great danger of a serious accident under existing conditions and that in his opinion the only solution of the problem will be the construction of subways. Just what each or all of these would cost cannot be determined until the city engineer's report is submitted. When this is received the commissioners will probably take up with the companies interested in the question as to what proportion of the cost should be borne by the city and by the railways.

A few days ago the commissioners instructed Superintendent Knight, of the street railway department, to issue instructions to his men that in every case cars must come to a dead stop before crossing the railway lines and not then until the conductor of each car had gone to the centre of the track and signalled that everything is clear. By this system the commissioners feel that it will be possible to minimize the danger of accidents until such time as the subways are completed.

## BRITISH CAPITALISTS BACK NEW RAILWAY

INTERESTED IN PROJECT TO BUILD TRANSCONTINENTAL LINE ACROSS TOP OF CANADA AND TOUCHING EDMONTON WITH BRANCH.

Last year there passed through Edmonton a party of railway builders, capitalists and peers headed by Lord Clinton, Lord Brassey and Norton Griffiths, M. P. for Wednesbury. While it was known at the time that they were bent upon a project which would possibly provide a third transcontinental railway for Canada, the party would state nothing of their intentions along this line.

This week it has become known that this very party of British capitalists is behind the big project to build a transcontinental across the top of Canada, tapping the Northern Saskatchewan, Northern Alberta and Northern B. C. country, passing through the Pine Pass in the Peace River country, with

branches which will run into Winnipeg and Edmonton and other points. Norton Griffiths is understood to be the prime mover in the project, and it is interesting enough capital to finance the undertaking. Mr. Griffiths is a typical Britisher, with little to say and much to think of. He has been extensively interested in railway building in India and South Africa for many years, and has heavy interests all over the empire.

He visited Edmonton last summer with Harry Brittain, another railway builder and former newspaper man. They were followed by Lord Clinton and other peers. Mr. Griffiths said

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## WILL REPRESENT R. N. W. M. P. AT CORONATION

CORPORAL R. M. MILLAR

Some 600 of all there is not a man but has been required to undergo before enlistment the most rigorous test as to

CONSTABLE F. S. PEARSON

From G division, which exercises police supervision over Central Alberta, south to Red Deer, five non-commissioned officers and three constables have been selected. N division, which includes Athabasca Landing, and the territory extending north to the Yukon, is represented by two men, Inspector Fitzgerald and his party of three who had been named as members of the coronation contingent having

CONSTABLE J. F. KENDRICK



Of the Edmonton detachment of the R. N. W. M. P., Constable Kendrick has a long record of service in the Cape Mounted Police and in sub-military work on the frontier of German South Africa before he joined the Canadian force.

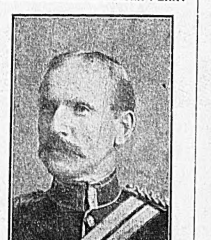
The complete contingent which will represent at the King's coronation the pioneer mounted police body of the empire, a force which, thirty-eight years after its organization, is still the crack constabulary force of the empire, seventy-five men and five officers have been selected. In the whole force of

Of the Edmonton detachment of the mounted police who will attend the coronation as a representative of "G" division, Corporal Millar was a member of the contingent of mounted police which attended the present King at the Quebec Centennial of 1905.

Central and Northern Alberta and Athabasca police districts must proceed to Regina at once.

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COMMISSIONER A. BOWEN PERRY



Who has been in command of the R. N. W. M. P. since 1906, Commissioner Perry will be in charge of the contingent of the mounted police at the coronation of King George V.

Port Saskatchewan for Regina, where they will take a short rail course prior to their embarkation for Great Britain. For the past week they have been assembling in the city from the various points in Central Alberta at which they have been stationed, and on Thursday word came that the men representing